

Atty Dkt. No.: YAMA-008
USSN: 09/695,531

REMARKS

In view of the following remarks, the Examiner is respectfully request to withdraw the rejections and allow Claims 1 and 3-8, 10-15 and 17-21, the only claims pending in this application.

Claim 1 has been amended to specify that the claimed plurality includes at least 5 different bacterial species and at least 2 different fungal species, support for this amendment being found at, among other locations, previously pending Claim 10 which has been found allowable. Claim 21 has been cancelled. No new matter is added. Accordingly, the Applicant respectfully requests entry of the amendment.

It is noted that the above amendments were made solely in the interest of expediting prosecution, and are not to be construed as an acquiescence to any objection or rejection made by the Office. The Applicant expressly reserves the right to pursue the claims in their form prior to the above amendments in a continuation application.

REJECTION UNDER 35 U.S.C. §102(b)

Claims 1, 3-8, 10-15, 17-19 and 21 have been rejected under 35 U.S.C. §102(b) as being anticipated by Muir (US 4,952,229). In view of the amendment to Claim 1 incorporating the features of Claim 10 which has been found allowable, this rejection may be withdrawn.

REJECTION UNDER 35 U.S.C. §103(a)

Claim 20 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Muir. As Claim 20 incorporates the limitations of Claim 1, it is allowable for the reasons provide above and this rejection may be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, reference no. YAMA-008.

Respectfully submitted,
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